

U. S. Department of Housing and Urban Development  
Office of Public and Indian Housing

Special Attention of:	NOTICE PIH 99-31 (HA)
Secretary Representatives;	
State/Area Coordinators;	Issued: July 29, 1999
Public Housing Directors;	Expires: July 31, 2000
Public Housing Agencies;	
Resident Management Corporations	Cross Reference
(RMCs); Resident Councils (RCs);	
Tribally Designated Housing	
Entities (THDEs)	

Subject: Guidance for Housing Agencies when handling Asbestos Containing Materials (ACMs) in Public Housing Modernization or Demolition

PURPOSE:

The purpose of this notice is to provide guidance to public housing agencies/Tribally Designated Housing Entities (THDEs), thereafter called HAs, regarding their legal obligation and compliance responsibilities under local, State and Federal requirements for handling asbestos-containing-materials (ACMs) in public housing developments undergoing modernization or demolition.

Undertaking modernization actions where asbestos is present is subject to numerous and growing regulations at all levels of government. Careless or illegal handling of ACMs can subject modernization contractors, workers, residents and visitors to health hazards. Improper or unlawful handling of asbestos can place the contractor and HAs and property owners who are not housing agencies in a position of serious civil and even criminal liability.

ASBESTOS AND ITS USES:

Asbestos is a generic term that refers to a family of mineral mineral silicates that separate into thin, needle like but extremely strong fibers. The unique characteristics of asbestos have made it ideal for numerous construction products and uses, including sound and fire proofing and insulation. Asbestos cannot be destroyed and it is not biodegraded easily.

Asbestos materials fall into two broad categories: Friable and non-friable. Friable ACMs are products, which, when dry, can be crumbled, pulverized, disturbed, punctured and easily reduced to powder by hand pressure. Friable ACMs emit fibers into the atmosphere with relative ease when disturbed. Non-friable ACMs are bound into some type of hard matrix such as roofing, siding,

or flooring, and generally do not escape under ordinary use. However, non-friable ACMs may become friable due to extreme disturbance or deterioration.

When friable ACM is disturbed, microscopic asbestos fiber dust is released into the air. These fibers, much smaller and more buoyant than ordinary dust particles, float almost indefinitely and must be removed from the air by the use of a specialized High Efficiency Particulate Air (HEPA) filter. It is estimated that two-thirds or more of the products made with asbestos are in the air and are easily inhaled or ingested. They can only be used in the construction industry. Most housing and buildings constructed before 1979 will probably contain some asbestos. Although the building/construction industry generally discontinued using ACM insulation in the mid-1970s, other products containing asbestos may still be used.

#### FEDERAL ASBESTOS RULES:

There are no Federal regulations that require HAS to inspect, survey, test or assess for ACM. However, there are Federal requirements that regulate:

1. Worker exposure to asbestos;
2. Procedures for abating asbestos when a building under goes renovation or demolition; and
3. Disposal of asbestos containing materials.

The Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA) have been concerned with the potential health hazards associated with exposure to asbestos since the early 1970s. They have major responsibility for Federal regulatory control over exposure to asbestos. The EPA regulates asbestos procedures for renovation (modernization and other actions that require removal of ACM) or demolition (including partial demolition) actions under the Clean Air Act and require notification and strict work practices for asbestos handling, removal, storage and transport under 40 CFR Part 61, Subpart M and 40 CFR Part 763.

OSHA regulates worker protection standards and exposures. For details regarding the OSHA regulations, refer to 29 CFR 1910.1001 (nonconstruction) and 1926.1101 (construction). The EPA also regulates worker protection of certain State and local government employees not covered by the OSHA or comparable State regulation (see 40 CFR Part 763, Subpart G).

Other Federal authorities or agencies that regulate asbestos include: The Clean Water Act under which the EPA has set standards for asbestos levels in the effluent of navigable water; the Mine safety and Health Administration which oversees the safety of workers involved in the mining of asbestos; the Consumer Product Safety Commission; the Food and Drug Administration; and the Department of Transportation.

#### STATE AND LOCAL RULES:

At the State and local level, a wide variety of asbestos regulations and guidelines have been established. Many States have either adopted the Federal rules or created something comparable or more stringent. Some State and local laws, like the Federal ones, require the training and licensing of contractors, inspectors, laboratories, project safety monitors and asbestos abatement actions. They may also require some of the following: (a) The inspection of buildings for friable ACMs when renovation or modernization work will be performed and (b) specific procedures for renovating, repairing, and abating buildings when ACMs are disturbed. HAS and contractors are responsible for finding out which applicable Federal, State and local law will apply to their situation and the ACMs in the buildings they control.

#### FUNDING REQUIREMENTS:

Under the Comprehensive Grant Program (CGP), the Comprehensive Improvements Assistance Program (CIAP), and the HOPE VI Program, testing for and abatement of asbestos is an eligible Program expenditure.

Public and Indian Housing requires compliance with Federal, State and local laws and codes.

#### ASBESTOS ASSESSMENT/REMOVAL/MAINTENANCE:

Except for specific items like boiler and pipe insulation/wrapping, the only sure way to know whether or not asbestos is present is to have an asbestos assessment performed. The assessment (inspection, test, or survey) should be conducted by a National Standards for Hazardous Air Pollutants (NESHAP) certified asbestos consultant or State or local equivalent, architect, consulting engineer, State-certified inspector, certified industrial hygienist, or EPA certified company experienced in asbestos assessment.

To make certain that workers, residents, and the general public are not exposed to asbestos as a result of modernization/renovation or demolition work at a site, an

assessment should be done before such action starts. The actions taken, after it is determined that a building or property contains ACM, depends upon the condition of the asbestos. If asbestos is present, an assessment may protect the program participant from being in violation of the law, or subject to fines or lawsuits. When workers are abating a building, program participants (HAs, contractors, residents) are urged to ask questions and get as much information as possible on their obligations and responsibilities under the law. OSHA regulations require resident relocation whenever there is a chance of exposure to asbestos during renovations.

Program participants can be cited for violation of the EPA and the OSHA regulations at the Federal level which carry fines for asbestos violations. Depending on the State and local requirements, there may also be State/local fines where "illegal" asbestos abatement is occurring.

All demolition activities require EPA notification, including those that do not involve ACM. Also, EPA has developed special guidance on how to avoid the asbestos Clean Air Act requirements by taking specialized measures during ACM removal activities (such as for removing asbestos containing floor tiles).

A significant quantity of asbestos-containing waste may be generated during removal of friable asbestos material from buildings. The EPA regulations address removal of friable asbestos material prior to the demolition or renovation of buildings. Removal should be considered for materials that may potentially become friable during demolition/ rehabilitation activities.

An HA may reduce its asbestos related liability by having asbestos assessment performed even when it is not contemplating modernization and by then developing an ACM Operation and Management (O&M) Plan for any identified ACM.

#### GUIDANCE/CONTACTS:

The responsibility for knowing about and complying with Federal, State and local asbestos abatement requirements rests with the HUD program participant. PHAs should be aware that EPA, OSHA and States have regulations governing proper maintenance of ACMs. Further information can be obtained by consulting the EPA and the OSHA Office in your area or HUD Field Office Environmental Officer. Below you will find a brief list of agency contacts.

It is important to remember that the information needed and the HUD program participant's responsibilities under the law will depend on the participant's relationship (HA, contractor, residents, etc.) with the property.

/s/ Deborah Vincent for

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Harold Lucas  
Assistant Secretary for  
Public and Indian Housing

U.S. Environmental Protection Agency  
National Standards for Hazardous Air Pollutants  
(NESHAPs)  
Regional Contacts

For information on NESHAPs rule compliance and disposal.

**REGION 1**

Asbestos NESHAPs Contact  
Air Management Division  
USEPA  
JFK Federal Building  
Boston, MA 02203-0001  
Tel. (617)918-1852  
Fax. (617)918-1809

**REGION 2**

Asbestos NESHAPs Contact  
Air Management Division  
USEPA  
290 Broadway  
New York, NY 10007-1866  
Tel. (212)814-2127  
Fax. (212)637-4035

**REGION 3**

Asbestos NESHAPs Contact  
Air and Waste Mgmt. Division  
USEPA  
841 Chestnut Building  
Philadelphia, PA 19107  
Tel. (215)814-2127  
Fax. (215)814-3113

**REGION 4**

Asbestos NESHAPs Contact  
Air Pesticide and toxic Mgmt.  
USEPA  
61 Forsyth Street  
Atlanta, GA 30303  
Tel. (404)562-8977  
Fax. (404)562-9066

**REGION 9**

Asbestos NESHAPs Contact  
Air Management Division  
USEPA  
75 Hawthorne Street  
San Francisco, CA 94105  
Tel. (415)744-1145  
Fax. (415)744-1076

**REGION 5**

Asbestos NESHAPs Contact  
Air Management Division  
USEPA  
77 West Jackson Boulevard  
Chicago, IL 60604-3507  
Tel. (312)353-4370  
Fax. (312)353-8289

**REGION 6**

Asbestos NESHAPs Contact  
Air Waste and Mgmt. Division  
USEPA  
1445 Ross Avenue  
Dallas, TX 75202-2733  
Tel. (214)665-7296  
Fax. (214)665-7446

**REGION 7**

Asbestos NESHAPs Contact  
RCRA and Toxics Division  
USEPA  
726 Minnesota Avenue  
Kansas City, KS 66101  
Tel. (913)551-7403  
Fax. (913)551-7844

**REGION 8**

Asbestos NESHAPs Contact  
Enforcement & Technical Div.  
USEPA  
999 18<sup>th</sup> Street, Suite 500  
Denver, CO 80202-2466  
Tel. (303)312-6204  
Fax. (303)312-6409

**REGION 10**

Asbestos NESHAPs Contact  
Air & Toxics Mgmt. Division  
USEPA  
1200 6<sup>th</sup> Avenue  
Seattle, WA 98101-9797  
Tel. (206)553-8282  
Fax. (206)553-0404